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09.10.2020.
d.p.

W.P.A. 8010 of 2020
(Via Video Conference)

Debendra Kumar Sahoo
-vs-
Union of India & Ors.

Mr. Sattwik Bhattacharyya,
Ms. Manideepa (Paul) Roy.
...For the Petitioner.

Mr. Subrata Roy.
...For the UOI.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu.
...For the Respondent Nos. 3 to 6.

The petitioner is a permit holder in respect of Inter-State public transport bus. He prays for exemption of the motor vehicles tax/additional tax in respect of the Inter-State buses (AC and Non-AC).

The petitioner applied by a letter dated 5th September, 2020 to the Principal Secretary, Government of West Bengal, Transport Department for necessary order of exemption of the said taxes and penalty.

The petitioner submits that the Permit Issuing Authority, Odisha has issued necessary orders exempting the payment of the motor vehicles tax as well as additional tax for the lockdown period which is appearing at page 145 of the writ petition.

The petitioner prays that order may be passed upon the State of West Bengal being the Countersigning Authority for exempting the taxes/additional taxes as well as penalty for the lockdown period. The petitioner submits that he could not ply his vehicle(s) on account of the lockdown imposed due to Covid 19.

The learned advocate appearing for the State respondents submits that the petitioner may apply before the Additional Director of the Transport Directorate, Kolkata for necessary orders, in case he prays for exemption of taxes. He further submits that as the application of the petitioner was not readily available before the Additional Director of Transport Directorate, necessary order could not be passed upon the application made by the petitioner.

Be that as it may, as it appears that the petitioner has served a copy of the writ petition upon the respondent authority including the Transport Department, State of West Bengal, accordingly, the instant writ petition is disposed of by directing the concerned authority of the Transport Department, State of West Bengal to take prompt necessary steps to consider the application made by the petitioner for exemption of the aforesaid taxes, strictly in accordance with law, at the earliest but positively within 20th October, 2020.

The concerned respondent shall take into consideration the documents relied upon by the petitioner appearing at pages 147 to 162 of the writ petition at the time of consideration of the prayer of the petitioner.

The said authority shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

W.P.A. 8010 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Amrita Sinha, J.)